

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

Jessica M. McDonald  
Plaintiff

Case No.

v.

Premier Pet Products, LLC  
Defendants

**COMPLAINT FOR PATENT INFRINGEMENT AND  
DEMAND FOR JURY TRIAL**

Plaintiff, Jessica M. McDonald, by her attorney and for her Complaint, alleges as follows:

**THE PARTIES**

1. Plaintiff, Jessica M. McDonald, is a former resident of Michigan, currently residing in New York State.
  
2. Upon information and belief, defendant Premier Pet Products, LLC is a Virginia limited liability company having a place of business at 14201 Sommerville Ct., Midlothian, VA 23113.

**JURIDICTION AND VENUE**

3. Federal question jurisdiction is conferred pursuant to 35 U.S.C. § 281 and 28 U.S.C. § 1338(a).
  
4. Venue in this Court is based upon 28 U.S.C. § 1391(c).

**COUNT I**

**CLAIM FOR PATENT INFRINGEMENT**

5. On January 23, 2007, United States Letters Patent Number 7,165,511 entitled “Animal Restraining Harness” (hereinafter “511 patent”) was duly and legally issued to Jessica

M. Brezinski, who is the same person as the Plaintiff Jessica M. McDonald, and since that date Jessica M. McDonald has been and still is the owner of the '511 patent. A copy of the '511 patent is attached to this Complaint.

6. Plaintiff and her Licensee has duly marked all products sold under the patent with the above mentioned patent number, and in letter dated Feb. 13, 2007 the Defendants were notified of existence of the '511 patent.

7. Defendant Premier Pet Products, LLC has infringed and willfully continues to infringe one or more claims of the '511 patent with full knowledge of that patent by the manufacture, offer for sale and/or sale in the United States including making sales within this District of animal restraining harnesses which are covered by the '511 patent, marketed under the trademark Easy Walk harness.

8. As a result of Premier Pet Products, LLC's actions, Plaintiff, Jessica M. McDonald has suffered and continues to suffer substantial injury, including irreparable injury, and will suffer future damages, including loss of sales and profits, which Plaintiff Jessica M. McDonald and her licensee would have made but for the infringement by Defendant, unless Defendant is enjoined by this Court.

WHEREFORE, Plaintiff Jessica M. McDonald demands judgment against Defendant, Premier Pet Products, LLC as follows:

A. That Defendant Premier Pet Products, LLC has infringed, actively induced others to infringe, and/or contributorily infringed United States Patent No. 7,165,511.

B. That Defendant, Premier Pet Products, LLC, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or in participation with any or all of them be enjoined and restrained preliminarily during the pendency of this action, and thereafter permanently, from infringing, actively inducing others to infringe, and/or contributorily infringing United States Letters Patent No. 7,165,511.

C. That Defendant Premier Pet Products, LLC be required to pay over to Plaintiff Jessica M. McDonald all damages sustained by Plaintiff Jessica M. McDonald due to such patent infringement and that such damages be trebled pursuant to 35 U.S.C. §284 for the willful acts of infringement complained of herein.

D. That this case be adjudged and decreed exceptional under the 35 U.S.C. §285 and that Plaintiff Jessica M. McDonald be awarded her reasonable attorney fees.

E. That Plaintiff Jessica M. McDonald be awarded her costs and prejudgment interest on all damages.

F. That Defendant Premier Pet Products, LLC be required to file with the Court within thirty (30) days after entry of final judgment of this cause a written statement under oath setting forth the manner in which defendant has complied with the final judgment.

G. That Plaintiff Jessica M. McDonald be awarded such other and further relief as the Court deems just and equitable.

**JURY DEMAND**

Plaintiff Jessica M. McDonald hereby demands and requests trial by jury of all issues raised that are triable by jury.

JESSICA M. MCDONALD

Dated: Oct. 21, 2010

By: s/ John R. Benefiel  
John R. Benefiel  
Attorney For Plaintiff Jessica M. McDonald  
525 Lewis Street  
Birmingham, Michigan 48009  
(248) 644-1455

PATENT, TRADEMARK, COPYRIGHT INFORMATION

(To be distributed when 820, 830, 840 category case is filed)

1. If this is a patent action, please respond:

PATENT NO.

DATE OF PATENT

PATENTEE

7,165,511

January 23, 2007

Brezinski

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2. If this is a trademark action, please respond:

TRADEMARK NO.

DATE OF TRADEMARK

TRADEMARK APPLICANT

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3. If this is a copyright action, please respond:

COPYRIGHT REG. NO.

TITLE OF WORK

AUTHOR OF WORK

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Date: Oct. 21, 2010

s/ John R. Benefiel

Attorney's Signature